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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,678	11/27/2001	Satoshi Hanada	Q67285	7280

7590 12/01/2004

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/993,678

Applicant(s)

HANADA ET AL.

Examiner

Victor S Chang

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 10 November 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached NOTE.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 3.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

NOTE

1. The cancellation of claims 5-7 is entered.
2. With respect to Applicants' argument "WO '930 only teaches that the polymer therein possess good processability ... in view of the fact that there have been many resins characterized (in the prior art) as having good processability characteristics, the teachings of WO '930, as well as the prior art as a whole, would not motivate a person of ordinary skill in the art to modify the resin sheet of Park in the manner necessary to arrive at the claimed invention" (Remarks, page 4, first paragraph), the Examiner repeats (see page 3 of Office action dated 01/02/2004) that WO '930 expressly teaches that it is known that long chain branched polyolefin resin are characterized by superior processability characteristics of the polymer melts and superior mechanical characteristics of the solid polymers, and are useful for fabrication into a wide variety of articles by conventional fabrication techniques (Abstract). As such, since melt extrusion of a laminate is an old and well known conventional process, and in view of the teachings of prior art as a whole, it would have been obvious to one skilled in the art to substitute Park's non-foamed tie layer (or intermediate layer) with a long-chain branched polyolefin layer, motivated by the desire to obtain improved melt processability and mechanical properties, as taught by WO '930. Additionally, it should be noted that while Applicants fail to provide any evidentiary support for the statement "there have been many resins characterized (in the prior art) as having good processability", Applicants also appear to have ignored the fact that in addition to the

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good processability, WO '930 also expressly teaches that the long chain branched polyolefin resin are characterized by its superior mechanical characteristics, as set forth above.

3. With respect to Applicants' argument "WO '930 does not teach using the polymer in multilayer products ... because there have been known many resins characterized as having good mechanical characteristics in the prior art, Applicants submit that one of ordinary skill in the art would not have been motivated to arrive at the claimed invention in view of the prior art as a whole" (Remarks, page 4, second paragraph), the Examiner repeats that WO '930 expressly teaches that it is known that long chain branched polyolefin resin are characterized by superior processability characteristics of the polymer melts and superior mechanical characteristics of the solid polymers, and are useful for fabrication into a wide variety of articles by conventional fabrication techniques, as set forth above. As such, since melt extrusion of a laminate is an old and well known conventional process, in the absence of evidence to the contrary, it would have been obvious to one skilled in the art to substitute Park's non-foamed tie layer (or intermediate layer) with a long-chain branched polyolefin layer, motivated by the desire to obtain improved melt processability and mechanical properties, as taught by WO '930, applicants' argument to the contrary notwithstanding.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/5c
Victor S Chang
Examiner
Art Unit 1771

11/23/2004


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700